

(PCT Article 36 and Rule 70)

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| Date of submission of the demand | Date of completion of this report |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/009382

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 4-11 _____ as originally filed/furnished
- pages* 1-3 _____ received by this Authority on 14.06.2005 with letter of 20.01.2005
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-13 _____ received by this Authority on 14.06.2005 with letter of 20.01.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/1 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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| Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | |
|-----------|--|--------------------|-----|
| 1. | Statement | | |
| | Novelty (N) | Claims <u>1-13</u> | YES |
| | | Claims _____ | NO |
| | Inventive step (IS) | Claims <u>1-13</u> | YES |
| | | Claims _____ | NO |
| | Industrial applicability (IA) | Claims <u>1-13</u> | YES |
| | | Claims _____ | NO |
| 2. | Citations and explanations (Rule 70.7) | | |
| | Reference is made to the following documents: | | |
| | D1: DE 101 49 146 A (BOSCH GMBH ROBERT), 17 April 2003 (2003-04-17) | | |
| | D2: EP-A-1 318 491 (BAYERISCHE MOTOREN WERKE AG), 11 June 2003 (2003-06-11) | | |
| | D3: DE 199 34 670 A (BOSCH GMBH ROBERT), 21 December 2000 (2000-12-21) | | |
| | D4: WO 03/064215 A (MATSUSHITA ELECTRIC WORKS LTD), 7 August 2003 (2003-08-07) | | |
| | D5: DE 43 33 357 A (BOSCH GMBH ROBERT), 6 April 1995 (1995-04-06) | | |
| | <p>Document D1, which is considered to be the prior art closest to the subject matter of claim 1, discloses (the references in parentheses are to D1) a device for detecting an instantaneous distance between a motor vehicle (32) and an obstacle (34), comprising distance sensors (16) and a control unit (10), the control unit (10) being designed to calculate a path that will be followed by the motor vehicle (32) using static and dynamic vehicle data, and also being designed to distinguish between relevant obstacles lying within the path and non-relevant obstacles lying outside the path.</p> | | |

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

The subject matter of claim 1 differs from what is known from D1 in that each distance sensor (16) has a variable detection area, in that the control unit (10) is designed to adjust the range of the detection areas of the distance sensors (16) to fit lateral boundaries of the path, and in that the distance sensors (16) which have detection areas lying wholly within the path are controlled by the control unit (10) so that they operate with the maximum range.

The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

The problem addressed by the present invention can thus be seen as that of improving the level of obstacle recognition accuracy and thus increasing driving safety.

The solution proposed in claim 1 of the application involves an inventive step (PCT Article 33(3)) because the idea of adjusting the ranges of individual sensors so as to restrict the detection area essentially to the path of the vehicle is not known from D1 or any of the other known prior art documents. Therefore, even applying his own specialist knowledge, a person skilled in the art would not have been able to find anything in D1 that might have led him in an obvious way to what is claimed in claim 1.

Claims 2 to 7 are dependent on claim 1 and therefore also meet the PCT requirements in respect of novelty and inventive step.

The corresponding method claim 8 and its dependent claims

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Box No. V**Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

(claims 9 to 13) also meet the requirements of PCT Article 33(2) and (3).

The subject matter of claims 1 to 13 is industrially applicable (PCT Article 33(4)).